

REMARKS

In the February 20, 2008 Office Action, claims 1-15 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

*Status of Claims and Amendments*

In response to the February 20, 2008 Office Action, Applicants have amended independent claim 1 as indicated above. Thus, claims 1-15 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

*Rejections - 35 U.S.C. § 103*

In the numbered paragraph 1 of the Office Action, claims 1-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,445,261 to Kimura (hereinafter "Kimura patent") in view of U.S. Patent No. 5,467,859 to Sahlberg (hereinafter "Sahlberg patent"), Japanese Laid-Open Utility Model Patent Application Publication No. 50-21274 Y1 (hereinafter "Japanese '274 publication") and Japanese Laid-Open Patent Application Publication No. 57-175612 A (hereinafter "Japanese '612 publication"). In response, Applicants have amended independent claim 1 as mentioned above.

More specifically, independent claim 1 now clearly recites that the rotation motor is operatively coupled to the first and second support members to transmit a rotary force in one rotational direction to *pivotally* move the first and second members while the first and second members are *maintained parallel* to each other to reciprocatingly move the trough via *pivoting movements* of the first and second support members. This arrangement is *not* disclosed or suggested by the Kimura patent, the Sahlberg patent, the Japanese '274 publication, the Japanese '612 publication or any other prior art of record.

As acknowledged by the Office Action, the Kimura patent does **not** disclose the drive mechanism including a rotational motor and parallel linkage. Therefore, the Kimura patent **fails** to disclose or suggest the rotation motor is operatively coupled to the first and second support members to transmit a rotary force in one rotational direction to **pivotally** move the first and second members while the first and second members are **maintained parallel** to each other to reciprocatingly move the trough via **pivoting movements** of the first and second support members as now recited in independent claim 1.

The secondary references, namely, the Sahlberg patent, the Japanese '274 publication and the Japanese '612 publication, **fail** to provide for the deficiencies of the Kimura patent with respect to this limitation. More specifically, **none** of the Sahlberg patent, the Japanese '274 publication and the Japanese '612 publication discloses or suggests the rotation motor is operatively coupled to the first and second support members to transmit a rotary force in one rotational direction to **pivotally** move the first and second members while the first and second members are **maintained parallel** to each other to reciprocatingly move the trough via **pivoting movements** of the first and second support members as now recited in independent claim 1.

Although the Japanese '612 publication discloses a rotation motor as asserted by the Office Action, the rotary force of the rotation motor is transmitted via the cam mechanism (5A and 5B) to the troughs T<sub>1</sub> and T<sub>2</sub>. Apparently, the rotary force of the rotation motor is **not** used to **pivotally** move the members 1, 2 and 3 of the Japanese '612 publication (allegedly corresponding to the first and second members of claim 1) to reciprocatingly move the trough via **pivoting movements** of the members 1, 2 and 3. Therefore, the Japanese '612 publication **fails** to disclose or suggest the limitations now recited in independent claim 1.

Accordingly, **none** of the Kimura patent, the Sahlberg patent, the Japanese '274 publication and the Japanese '612 publication discloses or suggests the rotation motor is operatively coupled to the first and second support members to transmit a rotary force in one rotational direction to **pivotaly** move the first and second members while the first and second members are **maintained parallel** to each other to reciprocatingly move the trough via **pivoting movements** of the first and second support members as now recited in independent claim 1. Therefore, the hypothetical combination of the prior art references could **not** render the limitations now recited in independent claim 1 obvious.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art provides an **apparent reason** for the desirability of the modification. Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for modifying the patents to create the Applicants' unique arrangement of the transport apparatus.

Accordingly, Applicants believe the transport apparatus as now recited in independent claim 1 is **not** disclosed or suggested by the prior art of record, whether taken singularly or in combination.

Moreover, Applicants believe that the dependent claims 2-15 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-15 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 1, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Appl. No. 10/561,388  
Amendment dated April 30, 2008  
Reply to Office Action of February 20, 2008

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

***Request for Listing Correct Publication Number in PTO-892***

As stated in Applicants' January 16, 2008 Amendment, Applicants note that Japanese Laid-Open Patent Application Publication No. 2005-272132 to Komatsu was erroneously listed as No. 2005-693778 in the form PTO-892 attached to the November 2, 2007 Office Action.

Applicants respectfully request the number of this publication in the form PTO-892 be corrected so that the correct publication number (i.e., JP2005-272132 A) would appear on the cover of the patent.

***Prior Art Citation***

In the Office Action, additional references were made of record. Applicants believe that these references do not render the claimed invention obvious.

\* \* \*

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-15 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/ Nomugi Tomoyori /  
Nomugi Tomoyori  
Reg. No. 59,784

GLOBAL IP COUNSELORS, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, DC 20036  
(202)-293-0444  
Dated: April 30, 2008  
S:\04-APR08-NTIS-US030796 Amendment3.doc